IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 26572 of 2007(L)

PETITIONER:

KARUNA MEDICAL COLLEGE,
PALAKKAD, KARUNA INSTITUTE OF MEDICAL SCIENCES
CAMPUS, VILAYODI, CHITTUR, PALAKKAD,
REPRESENTED BY ITS PRINCIPAL.

BY ADV. SRI.C.E.UNNIKRISHNAN

RESPONDENTS:

1. **THE FREE REGULATORY COMMITTEE FOR PROFESSIONAL COLLEGES, REPRESENTED BY ITS MEMBER SECRETARY, RAM MOHAN PALACE, ERNAKULAM.**

2. **STATE OF KERALA, REPRESENTED BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF HIGHER EDUCATION SECRETARIAT, THIRUVANANTHAPURAM.**

BY ADV. SRI.MURALI PURUSHOTHAMAN
BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 26572 of 2007

Dated this the 7th day of September, 2007

J U D G M E N T

The challenge in this writ petition is against the fee that has been fixed by the 1st respondent by Exhibit-P2 order. As rightly pointed out by the Learned Counsel for the petitioner similar issues in this respect have already been subjected to challenge in this court and have been interfered with. Exhibit-P3 is one of the judgment that has been referred to by the Learned Counsel.

2. On a perusal of Exhibit-P3, I am inclined to accept the contention of the Learned Counsel that the reasoning adopted by the Division Bench of this Court applies to this case also. Accordingly following Exhibit-P3 judgment in W.P. (C) 16303/2007, Exhibit-P2 order issued by the 1st respondent will stand set aside.

3. The 1st respondent is directed to point out the areas, if any, where there is any element of profiteering or capitation fee in the fee structure submitted by the petitioner. If the 1st respondent requires any clarification, the same will be sought from the petitioner in writing, within a period of three weeks

from the date of receipt of a copy of this judgment, so that the petitioner would be in a position to offer its explanation to such queries. Reply, if any, shall be submitted by the petitioner, within one week on receipt of a communication from the 1st respondent. On receipt of the petitioner's reply as above, the 1st respondent shall fix the date for hearing and dispose of the matter, within three weeks thereafter.

This writ petition is disposed of with the above directions.

(ANTONY DOMINIC, JUDGE)

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/True copy/

P.A to Judge

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007